

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:
JAMES BROCK STIRTON

Serial No.: 09/824,156

Filed: April 2, 2001

For: METHOD OF MEASURING
IMPLANT PROFILES USING
SCATTEROMETRIC TECHNIQUES

Group Art Unit: 2877


Examiner: Juan D. Valentin

Atty. Dkt. No.: 2000.071000/TT4354

Customer No.: 23720

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

| CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8 | |
|---|----------------|
| DATE OF DEPOSIT: | 10-28-05 |
| FACSIMILE NO. | (571) 273-2885 |
| I hereby certify that this paper or fee is being transmitted via facsimile to the United States Patent and Trademark Office addressed to: Commissioner for Patents to the facsimile number above. | |
|  Signature | |

Sir:

The Office Mailed a Notice of Allowance on September 23, 2005, allowing all of the pending claims 1,2 and 4-37. The due date for paying the Issue Fee is December 23, 2005. This paper is being filed on October 25, 2005, therefore it is timely filed.

It appears that, for convenience, the Examiner has paraphrased the claimed language in the Reasons for Allowance. While the Applicants understand the Examiner's desire to use convenient phraseology, the Applicants note that the proper scope of the claims should be governed based on the express language of the claims themselves in the event there is any inconsistency (actual or perceived) between the claimed language and the Examiner's

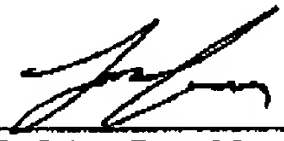


paraphrasing. Furthermore, words used in the Examiner's paraphrasing should not be construed as claim limitations if the claims themselves do not include the language referenced by the Examiner. Other references or characterizations made by the Examiner in his Reasons for Allowance that are not present in the claims are not to be construed as limitations.

Applicants agree with the Examiner that the prior art do not describe or suggest Applicants' invention as set forth in claims 1, 2 and 4-37. See page 2 of the Notice of Allowance dated September 23, 2005.

The intended respective scopes of the claims are defined by the respective languages recited in the claims.

Should the Examiner have any questions, the Examiner is invited to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4069.

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| <p>Date: <u>10/28/05</u></p> | <p>Respectfully submitted,</p> <p>WILLIAMS, MORGAN & AMERSON, P.C. CUSTOMER NO. 23720</p> <p>By: </p> <p>Jason C. John, Reg. No. 50,737 10333 Richmond, Suite 1100 Houston, Texas 77042 (713) 934-7000 (713) 934-7011 (facsimile) ATTORNEY FOR APPLICANT(S)</p> |
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